

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BOOKER T. TILLER,

Defendant-Appellant.

UNPUBLISHED
December 19, 1997

No. 195786
Recorder's Court
LC No. 96-000843

Before: McDonald, P.J., and Wahls and J. R. Weber*, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial conviction of felonious assault, MCL 750.82; MSA 28.277, contending that because the victim could not identify the particular object used to perpetrate the assault, there was insufficient evidence of use of a dangerous weapon. We affirm.

Assuming arguendo that the article used by defendant was manufactured and generally intended and properly used for peaceful and legitimate purposes, when in fact employed to perpetrate an assault, particularly one producing personal injury, the character of the object as a dangerous weapon for purposes of a felonious assault prosecution attaches by adoption. *People v Vaines*, 310 Mich 500, 505; 17 NW2d 729 (1945); *People v Goolsby*, 284 Mich 375, 378; 279 NW 867 (1938). Here, the arresting officer testified that the victim had visible injuries, and the victim's testimony was sufficient to warrant a rational trier of fact in concluding that defendant's use of some object as a weapon was established beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 269-270; 380 NW2d 11 (1985).

Affirmed.

/s/ Gary R. McDonald
/s/ Myron H. Wahls
/s/ John R. Weber

* Circuit judge, sitting on the Court of Appeals by assignment.